



6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA-HQ-OAR-2008-0476; FRL- 9767-9]

Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standards: Notice of Actions Denying Petitions for Reconsideration and Stay Requests

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of actions denying petitions for reconsideration and stay requests.

SUMMARY: The EPA is providing notice that it has responded to petitions for reconsideration of rules published in the *Federal Register* on May 21, 2012, and June 11, 2012, that together promulgated the initial air quality designations for the 2008 ozone national ambient air quality standards for all areas in the United States. The rules are titled, “Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standards,” and “Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standards for Several Counties in Illinois, Indiana, and Wisconsin; Corrections to Inadvertent Errors in Prior Designations.” Subsequent to publishing the rules, during the time period from June through October 2012, the EPA received numerous petitions requesting that the EPA reconsider its designation decisions for certain areas. The EPA carefully considered the petitions and supporting information, along with information contained in the rulemaking docket, in reaching decisions on the petitions. The EPA denied all the petitions for reconsideration in separate letters to the petitioners dated December 14, 2012. The letters explain the EPA’s reasons for the denials. Four petitioners also requested that the EPA stay the effectiveness of the designation rule as it

applies for a particular area, pending reconsideration. Because the EPA denied the reconsideration requests, the EPA also denied the stay requests.

FOR FURTHER INFORMATION CONTACT: Carla Oldham, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C539-04, Research Triangle Park, N.C. 27711, phone number (919) 541-3347 or by email at: oldham.carla@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Where can I get copies of this document and other related information?

This *Federal Register* notice, the petitions for reconsideration, and the response letters to the petitioners are available in the docket that the EPA established for the rulemakings to promulgate the air quality designations for the 2008 ozone standards under Docket ID NO. EPA-HQ-OAR-2008-0476. The table below identifies the Petitioners, the dates the EPA received the Petitions, the document identification number of the Petitions, the date of the EPA's responses, and the document identification number for the EPA's responses.

Petitioners	Dates of Petitions to the EPA	Petition: Document No. in docket	Date of the EPA response	The EPA response: Document Number in docket
Atlanta, GA Nonattainment Area				
Georgia Environmental Protection Division	July 20, 2012	0695	December 14, 2012	0726
Charlotte, NC-SC Nonattainment Area				
South Carolina Department of Health and Environmental Control	July 20, 2012	0698	December 14, 2012	0727
US Senators Graham and DeMint and US Congressman Mulvaney from SC	July 19, 2012	0699	December 14, 2012	0722
York County, SC	July 24, 2012	0700	December 14, 2012	0721
Knoxville, TN Nonattainment Area				
Anderson, Blount, and Knox Counties, TN	July 20, 2012 and October 16, 2012	0696	December 14, 2012	0717
Memphis, TN-MS-AR Nonattainment Area				
DeSoto County, MS	July 17, 2012	0697	December 14, 2012	0723
Shelby County, TN	July 20, 2012 and September 18, 2012	0702	December 14, 2012	0718
State of Mississippi	July 17, 2012	0701	December 14, 2012	0756

State of Tennessee	July 19, 2012	0703	December 14, 2012	0719
Chicago-Naperville, IL-IN-WI Nonattainment Area				
Indiana Department of Environmental Management	August 10, 2012	0724	December 14, 2012	0728
Dallas-Fort Worth, TX Nonattainment Area				
Bridgeport Area Chamber of Commerce, TX	July 17, 2012	0730	December 14, 2012	0742
Chico City Council, TX	July 18, 2012	0706	December 14, 2012	0732
City of Bridgeport, TX	July 20, 2012	0735	December 14, 2012	0745
City of Boyd, TX	August 7, 2012	0707	December 14, 2012	0731
City of Runaway Bay, TX	July 17, 2012	0708	December 14, 2012	0746
Corporation for Economic Development for the City of Bridgeport	July 17, 2012	0754	December 14, 2012	0743
Devon Energy Corporation	July 20, 2012 and October 30, 2012	0714	December 14, 2012	0736
Gas Processors Association and Texas Pipeline Association	July 20, 2012 and October 30, 2012	0709	December 14, 2012	0738
Look Local Wise County Task Force, TX	July 18, 2012	0720	December 14, 2012	0747
Martin Marietta Materials	July 20, 2012	0752	December 14, 2012	0739
Mauldin Pharmacy, Inc. dba Valu-Rite Pharmacy	July 17, 2012	0704	December 14, 2012	0737

Newark City Council, TX	July 19, 2012	0744	December 14, 2012	0750
Runaway Bay Economic Development Corporation	July 12, 2012	0729	December 14, 2012	0733
Targa Resources Corporation	July 20, 2012	0715	December 14, 2012	0748
Texas Commission on Environmental Quality	July 18, 2012	0713	December 14, 2012	0753
TXI Operations, LP	July 19, 2012	0710	December 14, 2012	0740
U.S. Ply	July 17, 2012	0749	December 14, 2012	0734
Wayne Smith, Texas House of Representatives	July 12, 2012	0705	December 14, 2012	0755
Wise County, TX	June 15, 2012	0725	December 14, 2012	0741
Uinta Basin, UT Unclassifiable Area				
WildEarth Guardians, Southern Utah Wilderness Alliance and Utah Physicians for a Healthy Environment	July 19, 2012	0711	December 14, 2012	0751
Multiple Unclassifiable/Attainment Areas				
Sierra Club	July 20, 2012	0712	December 14, 2012	0716

Note: All document numbers listed in the table are in the form of “EPA-HQ-OAR-2008-0476-xxxx.”

All documents in the docket are listed in the index at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in the docket or in hard copy at the Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, D.C. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Office of Air and Radiation Docket and Information Center is (202) 566-1742.

In addition, the EPA has established a website for the ozone designations rulemakings at: <http://www.epa.gov/ozonedesignations>. This *Federal Register* notice, the petitions for reconsideration, and the response letters to the petitions are also available on this website along with other information relevant to the designation process.

II. Judicial Review

Section 307(b)(1) of the Clean Air Act indicates which Federal Courts of Appeal have venue for petitions of review of final actions by the EPA. This section provides, in part, that petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit: (i) when the agency action consists of “nationally applicable regulations promulgated, or final actions taken, by the Administrator,” or (ii) when such action is locally or regionally applicable, if “such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and

publishes that such action is based on such a determination.” In the rules establishing air quality designations for the 2008 ozone national ambient air quality standards, the EPA determined that the actions are of nationwide scope and effect for the purposes of section 307(b)(1). (*See* 77 FR 30088; May 21, 2012 and 77 FR 34221; June 11, 2012.)

The EPA has determined that its actions denying the petitions for reconsideration also are of nationwide scope and effect because these actions directly relate to the ozone designations rulemakings that the EPA previously determined are of nationwide scope and effect. Thus, any petitions for review of the final letters denying the petitions for reconsideration must be filed in the Court of Appeals for the District of Columbia Circuit on or before **[INSERT DATE 60 DAYS AFTER PUBLICATION IN THE *FEDERAL REGISTER*]**.

Dated: December 27, 2012.

Gina McCarthy,
Assistant Administrator, Office of Air and Radiation.

[FR Doc. 2013-00053 Filed 01/04/2013 at 8:45 am; Publication Date: 01/07/2013]